

### **REMARKS**

Claims 22, 25, 27, and 30 are currently pending in the application. Claims 23, 24, and 26 have been canceled without prejudice in order to expedite the allowance of the present application.

Specifically referring to the Office Action, claim 23 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. According to the Office Action, the phrase “valproate salt and valproate variations thereof” is unclear as to the metes and bounds of the invention. Furthermore, the phrase “valproate variations” lacks antecedent basis. In response thereto, Applicant has canceled claim 23 and renders the rejection moot. Accordingly, reconsideration of the rejection is respectfully requested.

Claim 24 stands rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. Since claim 24 has been canceled from the present application, the rejection has been rendered moot. Reconsideration of the rejection is respectfully requested.

Claim 30 stands rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement directed towards the use of any medicament composition into the rectum of an individual for treating migraine headaches. However, the Office Action holds that the specification is enabling for administration of an effective amount of valproate and its salt as a suppository. In response thereto, claim 30 has been amended to specifically claim a medication composition selected from the group consisting of valproate and its salts. As a result of the amendment to the claim, reconsideration of the rejection is respectfully requested.

Claims 22-25, 27, and 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,071,927 to Baker, et al. (hereinafter, “the ‘927 patent”) and by U.S. Patent No. 6,096,742 to Crocker, et al. (hereinafter, “the ‘742 patent”). According to the Office Action, the ‘927 patent teaches an invention that treatment or prevention of pain, inflammation, migraine, and emesis could be achieved by rectal

administration of a composition comprising effective amounts of acetaminophen, aspirin, ibuprofen, naproxen, and valproate. Additionally, the Office Action holds that the '742 patent teaches an invention wherein headache, migraine, and pain were treated by administration of a composition comprising acetaminophen, aspirin, ibuprofen, naproxen, and valproate.

In response to the rejection under 35 U.S.C. § 102(b), Applicant has amended independent claims 22 and 30. Specifically, claim 22 has been amended to be directed towards a medicine suppository comprising a medication composition selected from the group consisting of valproate, sodium valproate, and valproate salts. Additionally, claim 30 has been amended to be directed towards a method of treating a migraine headache by administering an effective amount of a medication composition selected from the group consisting of valproate, sodium valproate, and valproate salts. Since claims 22 and 30 are directed towards a medication composition selected from the group consisting of valproate, sodium valproate, and valproate salts, the presently claimed invention is patentably distinct over the cited prior art references. Neither the '927 patent nor the '742 patent disclose a composition only including valproate, sodium valproate, and/or valproate salts. Both the '927 patent and the '742 patent disclose a composition including additional components such as acetaminophen, aspirin, ibuprofen, and naproxen. Since the presently claimed invention does not include those additional components, the presently claimed invention is patentably distinct over the cited prior art references. Reconsideration of the rejection is respectfully requested.

Claim 26 stands rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,071,923 to Curtis, et al. In response thereto, Applicant has canceled claim 26, without prejudice, in order to expedite the allowance of the present application. As a result of the cancellation of claim 26, the rejection under 35 U.S.C. § 103(a) has been rendered moot. Reconsideration of the rejection is respectfully requested.

The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above. The prior art references do not disclose the characterizing

features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

In summary, present application is now in condition for allowance, which allowance is respectfully requested. If any remaining issues exist, Applicant respectfully requests to be contacted by telephone at (248) 539-5050.

The Commissioner is authorized to charge any fee or credit any over-payment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



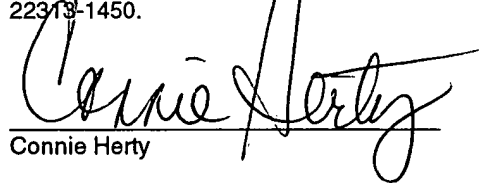
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Dated: January 13, 2004

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